

## REMARKS/ARGUMENTS

Claims 1-3, 5-8, 11-23 and 26-38 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub, U.S. Patent No. 4,854,045, in view of Vinci, U.S. Patent No. 5,875,413.

At least one measuring and display device is located in at least one cover plate or in at least one casing, and at least one pocket knife is disposed within the at least one cover plate, within the at least one casing, or within a combination of the at least one casing and a cover plate, (specification, paragraph beginning on page 4, line 22; page 5, lines 10-25; paragraph beginning at page 7, line 10; paragraph beginning on page 8, line 6).

Therefore, independent claim 1 is being amended herein to provide, in part, that at least one measuring and display device is arranged in at least one of the at least two cover plates, the at least two cover plates enclosing the at least one pocket knife. Previously dependent claim 17 is being converted into an independent claim providing, in part, that the at least measuring and display device is arranged in the at least one casing enclosing the at least one pocket knife, a cover plate being on the at least one casing. Independent claim 28 is being amended to provide, in part, that the measuring and display device is disposed in the at least one casing, the pocket knife being disposed in the at least one casing. Independent claim 29 is being amended to provide, in part, that the at least one measuring and display device is mounted on the cover plate, the pocket knife being disposed in at least one casing and in the cover plate. Claim 30 is being canceled, without prejudice or disclaimer, since it is now redundant with amended claim 17 from which it depends. Independent claims 31 and 37 provide, in part, that the measuring and display device is disposed in the cover plate, a mechanical knife being disposed in a casing, and the cover plate being on the casing. All of the aforementioned independent claims provide that the measuring and display device is disposed either in or on at least one cover plate or in at least one casing, the at least one pocket knife being disposed within at least one cover plate, within at least one casing, or within a combination of at least one casing and a cover plate.

In contrast, what the Examiner conceives to be the sensor in Schaub is an “electronic tool,” which can be a sensor unit, which is inserted in an intermediate module of the inventive modular pocketknife, instead of the tool blade 13, shown in Fig. 1, the tool blade 13 clearly being

a part of the intermediate module or interchangeable section mounted with two tools 12, 13 (Fig. 1; column 1, lines 65-68; column 2, lines 36-41). Placing the sensor in this position as a substitute for a tool blade 13 in Schaub translates into replacing one of the at least one pocket knife with the measuring and display device claimed in the inventive claims.

However, this is not what is now required by the amended independent claims. Those independent claims require that the measuring and display device be either in at least one cover plate or in at least one casing, both of which enclose or are outside of the at least one pocket knife.

The Examiner's attempts to combine Vinci with Schaub as a basis for the above rejection still does not justify the rejection of the aforementioned independent claims since, at most, Vinci, according to the Examiner, discloses a multifunctional handheld device for measuring a plurality of physical values by using a plurality of measuring/sensing devices, (Office Action, page 3, lines 16-17). Vinci does not change the location of the sensor in Schaub and combining Vinci with Schaub would merely place the multifunctional handheld device of Vinci, albeit in a much reduced size, in the same location where Schaub indicates that it should be, namely within the interchangeable module, and, thus, equivalently for the inventive claims, within the at least one pocket knife.

Placing the at least one measuring and display device in either the at least one cover plate or the at least one casing, enclosing the at least one pocket knife, is clearly an improvement over Schaub since Schaub places that sensor in the tool portion of the device, thus, substituting the sensor for a tool blade and reducing the number of tools which can be placed in the device. Obviously, placing the at least one measuring and display device outside the at least one pocket knife in either the at least one casing or in the at least one cover plate would allow an increased number of knives or other tools to be placed within the at least one cover plate or within the combination of the at least one casing and the cover plate.

Furthermore, it is more than speculative to suggest that a sensor unit for measuring any value can be combined with the pocketknife, as described in Schaub. It is simply not defined in Schaub what is meant by "a sensor unit," (see column 2, lines 36-41), and therefore to combine Schaub with any other reference describing a measuring sensor unit is very speculative.

Since claims 2-3, 5-8, 11-16, 18-23, 26-27, 32-36 and 38 are directly or indirectly dependent upon one of the aforementioned independent claims, they are also allowable over Schaub in view of Vinci for the same reasons discussed above with respect to those independent claims.

Furthermore, with regard to claim 23 in particular, Applicants respectfully disagree with the Examiner's reasoning in support of the rejection. The Examiner attempts to infer, based upon Schaub's disclosure of an emergency-transmitter transmitter module (column 4, lines 1-2), that "the device would have an access control member and thus, an access control circuit, for providing (emitting) an emergency signal (access signal) recognizable by an institution," (Office Action, page 3, lines 3-5). Applicants respectfully submit that the emergency transmitter in Schaub is not equivalent to the "access control member comprising an Access-Control-Circuit" claimed in claim 23. Access control has a very specific meaning. It does not merely use a transmitter. Access control is directed to "entrance control, ... to allow access to any institution," (specification, paragraph beginning on page 7, line 25, emphasis added). Access to an external receiving circuit, as in Schaub, is not the same as access to any institution. "RF keys" are a well-known type of device, and clearly not the same as the emergency locator transmitter in Schaub. The Examiner agreed, in a telephonic interview, that claim 23 overcomes the rejection over Schaub in view of Vinci. An interview summary of the telephonic interview was mailed on March 18, 2005.

Claims 4 and 10 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub and Vinci and further in view of La Neve, U.S. Patent No. 5,634,719. Claims 4 and 10 are directly or indirectly dependent on independent claim 1 and are, therefore, allowable over Schaub and Vinci for the same reasons recited above with respect to independent claim 1. Regarding La Neve, it does not even disclose a pocket knife, as claimed in claim 1, and, thus, in dependent claims 4 and 10, but is rather directed towards a cooking tool, (abstract).

Claim 25 was finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub and Vinci and further in view of Tymkewicz et al., U.S. Patent No. 6,000,845. Claim 25 is indirectly dependent on independent claim 1 and is, therefore, allowable over Schaub and Vinci for the same reasons recited above with respect to independent claim 1. Regarding Tymkewicz et

al., it is directed towards a temperature sensing and indicating device, (abstract), which does not even include a pocket knife, as claimed in independent claim 1, and, thus, in dependent claim 25.

Claim 24 was finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub and Vinci, and further in view of Hwang, U.S. Patent No. 5,883,306. Claim 24 is dependent on claim 1 and is, therefore, patentable over Schaub and Vinci for the same reasons recited above with respect to independent claim 1. Regarding Hwang, it discloses a multipurpose tool measuring tire tread depth and tire pressure, (abstract), and does not include a pocket knife, as claimed in claim 1, and, thus, in dependent claim 24.

Claims 9, 24 and 41 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub and Vinci and further in view of McIntosh, U.S. Patent No. 5,313,376. Claims 9, 24 and 41 are directly or indirectly dependent on claim 1 and are, therefore, patentable over Schaub and Vinci for the same reasons recited above with respect to independent claim 1. Independent claim 1 provides, in part, that the menu circuit is arranged in at least one of the at least two cover plates, (specification, paragraph beginning on page 4, line 22). McIntosh does disclose an illuminated multifunctional pocket knife/light with an alternative embodiment illustrating a weighing scale which is a detachable or permanent component of the casing, (abstract; column 5, lines 39-42; Fig. 7). However, the casing does not include any menu circuit, a menu circuit being claimed in claim 1, and, thus, in dependent claims 9, 24 and 41.

In connection with the rejection of claim 41 in particular, the Examiner notes that McIntosh discloses a weighting scale/element, (Office Action, page 6 lines 1-2). The weighing scale/element is comprised of a spring/marker shaft 6, (column 5, lines 40-42), thus being a mechanical scale. In contrast, claim 41 recites that “the measuring and display device comprises a scale” and claim 1, from which claim 41 depends, recites “at least one measuring and display device for measuring and displaying a plurality of physical values, and having a display for displaying said plurality of physical values, and a menu circuit for selecting said physical values to be displayed.” Thus, the scale recited in claim 41 is an electronic scale, no such electronic scale being disclosed, taught or suggested by McIntosh.

Independent claims 17 and 28 have been amended to provide that the menu circuit is disposed or arranged in the at least one casing, (specification, paragraph beginning on page 4, line

22; page 5, lines 10-25), in order to distinguish over McIntosh, although McIntosh has not been applied in this Office Action against those independent claims. Regarding independent claims 29, 31 and 37, they provide that a measuring and display device is disposed or mounted on a cover plate on the casing. In contrast, McIntosh does not disclose any cover plate on the casing, the weighing scale being mounted instead on the casing.

Claims 1 and 39-40 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Schaub in view of Kubota et al., U.S. Patent No. 5,724,317. Claims 39 and 40 are dependent on claim 1, and are, therefore, patentable over Schaub for the same reasons recited above with respect to claim 1. Kubota et al. discloses a device, which indicates measurements with an analog display and a pointer unit, the device disclosed in Kubota et al. being a dive watch, and Kubota et al. also indicates that the pointer unit of the invention may be similarly used in a barometer, thermometer, altimeter and other meters, (column 11, lines 28-33; column 19, lines 48-51). However, nowhere in Kubota et al. is a pocket knife disclosed, taught or suggested, as claimed in independent claim 1, and, thus, in claims 39 and 40.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #EV342541257US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 5, 2005

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins

Signature

April 5, 2005

Date of Signature

JAF/MIM:lac

Respectfully submitted,



James A. Finder

Registration No.: 30,173

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700